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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) CR No. 08-70231 JL  
Plaintiff, ) STIPULATION AND [PROPOSED] ORDER  
v. ) EXCLUDING TIME UNDER FED. R. CRIM.  
GILBERTO NARANJO AVILA, ) P. 5.1 and 18 U.S.C. § 3161  
Defendant. )  
\_\_\_\_\_  
)

On April 17, 2008, the parties in this case appeared before the Court for the defendant's initial appearance. At that time, the parties requested, and the Court agreed, to set the date for the defendant's preliminary hearing and arraignment on May 5, 2008. The parties further stipulated that pursuant to Federal Rule of Criminal Procedure ("FRCP") 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from April 17, 2008, through May 5, 2008. The parties agree that, taking into account the public interest in prompt disposition of criminal cases, good cause exists for this extension.

1 The defendant also agrees to exclude for this period of time any time limits applicable under  
2 18 U.S.C. § 3161. The parties represented that granting the continuance was the reasonable time  
3 necessary for continuity of defense counsel. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also  
4 agreed that the ends of justice served by granting such a continuance outweighed the best  
5 interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

6  
7 SO STIPULATED:

8  
9 JOSEPH P. RUSSONIELLO  
United States Attorney

10  
11 DATED: April 28, 2008

/s/

12 TAREK J. HELOU  
Assistant United States Attorney

13  
14 DATED: April 28, 2008

/s/

15 ELIZABETH M. FALK  
Attorney for Defendant GILBERTO NARANJO AVILA

16  
17 For the reasons stated above, the Court finds that exclusion of time from April 17, 2008  
18 through May 5, 2008 is warranted and that the ends of justice served by the continuance  
19 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161  
20 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested continuance would deny the  
21 defendant continuity of counsel, and would result in a miscarriage of justice. 18 U.S.C.  
22 §3161(h)(8)(B)(iv).

23  
24 SO ORDERED.

25  
26 DATED: \_\_\_\_\_

27 THE HONORABLE JAMES LARSON  
United States District Judge